

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

|                                |   |                        |
|--------------------------------|---|------------------------|
| KEVIN J. MERRITT,              | ) |                        |
| a/k/a EDWARD A. URBANSKI, JR., | ) |                        |
|                                | ) |                        |
| Plaintiff,                     | ) |                        |
|                                | ) |                        |
| v.                             | ) | Case No. CIV-06-1427-W |
|                                | ) |                        |
| RYAN STARK, individually,      | ) |                        |
| <i>et al.</i> ,                | ) |                        |
|                                | ) |                        |
| Defendants.                    | ) |                        |

**REPORT AND RECOMMENDATION**

The parties have stipulated to the dismissal of all claims against John Doe Jail Guards #1 and #2, Robert Easley, the City of Oklahoma City, the Oklahoma County Sheriff's Office, John Whetsel, and Oklahoma County, through the Board of County Commissioners. Stipulation of Dismissal (July 30, 2008). Consequently, the Court should deny the following motions as moot:

- Defendant City's Motion for Summary Judgment, Doc. 273
- Motion for Summary Judgment of Defendant Officer Robert Easley and Brief in Support, Doc. 276
- Defendants', Oklahoma County Board of County Commissioners and John Whetsel, Motion for Summary Judgment on County IV, and Brief in Support, Doc. 278
- Defendant's John Doe Jail Guards Motion for Summary Judgment as to Count III, and Brief in Support, Doc. 280

The parties can object to the present report and recommendation. Any such objection must be filed with the Clerk of this Court by September 17, 2008. *See* W.D. Okla. Local

Civil Rule 72.1. The failure to timely object would foreclose appellate review of the suggested rulings. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *cf. Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”).

The referral is not terminated.

Entered this 27th day of August, 2008.

  
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Robert E. Bacharach  
United States Magistrate Judge